

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

**PETITION FOR WAIVER EXTENSION OF THE
COLORADO PUBLIC UTILITIES COMMISSION**

Joshua B. Epel
Chairman

James K. Tarpey
Commissioner

Pamela J. Patton
Commissioner

Public Utilities Commission
State of Colorado
1560 Broadway, Suite 250
Denver, CO, 80202

The Lifeline and Link Up Reform and Modernization Report and Order and Further Notice of Proposed Rulemaking (FCC 12-11) (the “Report and Order”), released on February 6, 2012, adopted uniform eligibility criteria which require all states to utilize, at a minimum, the income program criteria currently utilized by federal default states. The Colorado Public Utilities

Commission (the “COPUC”) requested a waiver of the June 1, 2012 effective date for adopting uniform eligibility criteria in Colorado for the Lifeline program. The waiver was necessary because legislation is required to change existing Colorado law to conform to the requirements of the Report and Order. The COPUC requested that the effective date for the uniform eligibility criteria be extended until July 1, 2013, for eligible telecommunications carriers in Colorado.

The new uniform eligibility requirements contained in the Report and Order are materially different from current requirements in Colorado law. Therefore, Colorado law must be changed to implement the eligibility requirements contained in the Report and Order. The Federal Communications Commission (the “FCC”) granted the COPUC’s request for waiver on May 31, 2012 (DA 12-863). However, the temporary waiver of the uniform eligibility requirements was only granted until April 1, 2013. The FCC noted that if this deadline cannot be met, an additional request for waiver may be filed.

The COPUC hereby submits that a legislative bill to repeal the Telephone Assistance Program for low-income individuals has been introduced in the Colorado state senate as Senate Bill 13-194 (SB194). Therefore, rather than address how to implement the eligibility requirements contained in the Report and Order, the Colorado legislature is focused on repealing the program altogether, which would render the eligibility requirements moot and Colorado would become a FCC Lifeline default state. One of the challenges that the COPUC faces is that it has no control over the legislative process, including whether or how swiftly a bill becomes law. SB194 is currently moving rapidly through the legislature and passed through Committee (Senate Business, Labor and Technology Committee) on March 5, 2013 and Appropriations on March 8,

2013. It is expected to be heard on the Senate floor this week and if passed will repeat the process in the House of Representatives. SB194 was also amended on March 5, 2013 to allow the fund to continue until July 1, 2013 to satisfy remaining financial obligations, including disbursement to carriers and administrative expenses. The amendment would only permit the fund to continue for this limited purpose, while the program would terminate upon the bill's enactment. The COPUC states that additional time will be required in order to advance the bill through the legislative process and send it to the Governor for signature. The Governor can either sign the bill within ten (10) days during session or within 30 days if the General Assembly is adjourned which adjourns on May 8th, 2013. The COPUC is seeking an extension until July 1, 2013 to accommodate ample time for the bill to become law. In the unlikely event that this bill does not become law, the COPUC will work with the legislature as best it can to promptly address implementation of the eligibility requirements contained in the Report and Order. The COPUC submits that it has shown good cause to seek an additional waiver of §54.409 for a limited period of time in accordance with 47 C.F.R. §1.3. The COPUC also submits that an extension of time is necessary for the appropriate statutory changes to go through the established legislative processes. Therefore, the COPUC requests that the effective date for the uniform eligibility criteria be extended until July 1, 2013.

THEREFORE, the COPUC respectfully requests that the Federal Communications Commission grant this Petition for an Extended Waiver.

DATED: March 8, 2013.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

Respectfully submitted,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

PAMELA J. PATTON

Commissioners